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20 Attorneys for Defendant John Potter, Postmaster General of the United States

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 JUDITH E. CORBETT,) No. C 04-3671 MEJ
25 Plaintiff,) STIPULATION RE: EMOTIONAL DISTRESS
26 v.) DAMAGES; AND
27 JOHN POTTER, Postmaster General of the) ORDER
28 United States,)
Defendant.)

29

30 Plaintiff Judith E. Corbett ("Plaintiff"), and Defendant John Potter, Postmaster General of the
31 United States ("Defendant") hereby agree and stipulate as follows:

32 STIPULATION RE: EMOTIONAL DISTRESS DAMAGES - CASE NO. 04-3671 MEJ

1 STIPULATION REGARDING ALLEGED EMOTIONAL DISTRESS DAMAGES

- 2 1. As a result of the events alleged in this case, Plaintiff does not presently suffer from any type of
3 severe emotional distress or symptoms thereof;
- 4 2. Plaintiff alleges garden-variety emotional distress damages in this case;
- 5 3. Plaintiff plans to introduce evidence of non-expert garden-variety emotional distress as a result of
6 the events alleged in this case, but shall be precluded from seeking or admitting evidence at trial
7 regarding severe emotional distress.
- 8 4. Defendant shall be precluded from requesting and/or moving to compel an independent mental
9 examination of Plaintiff or subpoenaing her medical records from her treating doctor, psychologist,
10 therapist, and/or counselor. Likewise, Plaintiff shall be precluded from referring to or admitting
11 into evidence at trial any documents or other items at trial prepared or maintained by a treating
12 doctor, psychologist, therapist, and/or counselor.
- 13 5. Neither Plaintiff nor Defendant shall offer any testimony, evidence, or records from any expert
14 witness or treating doctor, psychologist, therapist, or counselor, on the subject of Plaintiff's alleged
15 emotional distress; and
- 16 6. Nothing herein shall prohibit Plaintiff from seeking to recover damages for any ordinary, garden-
17 variety, and non-severe emotional distress from Defendant, or from offering at trial her own
18 testimony or testimony from witnesses who are not experts or treaters concerning such damages.

19 Respectfully submitted,

20 LAW OFFICES OF MARY DRYOVAGE

21 /s/

22 _____
23 Mary Dryovage
24 Attorney for Plaintiff

25 Dated: _____

26 IT IS SO ORDERED.

27 Dated: July 22, 2005

21 KEVIN V. RYAN
22 United States Attorney

23 /s/

24 _____
25 Julie A. Arbuckle
26 Assistant United States Attorney
27 Attorneys for Defendant

28 Dated: _____

